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VESSEL DISCHARGE REPORT

REVISED SUMMARY AND RECOMMENDATIONS

JANUARY 28, 2004

The following are revisions to the summary and recommendations sections of the November 15, 2003 report submitted to the Natural Resources Committee by the Department of Environmental Protection pursuant to PL 2003, ch. 79. This summary is provided for consideration prior to the scheduled February 10th, 2004 public hearing (date subject to change). Please submit comments or questions to Pam Parker (pamela.d.parker@maine.gov) or Hetty Richardson (hetty.l.richardson@maine.gov), Bureau of Land and Water Quality, Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017, or 207-287-3901.

The department proposes a two-phased approach.

Phase I (2004-2005) includes (a) establishment of federal no discharges zones (NDZs) for blackwater as provided by existing law; (b) reporting of unauthorized discharges of blackwater from large commercial passenger vessels; and (c) initiation of agreements on a company-wide basis for commercial passenger vessels with 50 or more overnight passengers. The department would support a statutory exemption for graywater discharges from large commercial passenger vessels that would sunset in 2006, and an exemption for graywater discharges from small commercial passenger vessels that would be revisited in 2006.

Phase II (beginning in 2006) would have two tracks, one for large commercial passenger vessels (250 overnight passengers or more) and one for small commercial passenger vessels (fewer than 250 overnight passengers). Large commercial passenger vessels would be given the option of either (a) self-certifying that they do not intend to discharge graywater to Maine coastal waters and acting in accordance with an agreement with the department, or (b) obtaining authorization to discharge graywater under Maine's waste discharge law.¹ The department would report back to the Legislature with a recommendation concerning whether small commercial passenger vessels (fewer than 250 overnight passengers), or a subclass of such vessels, need to come under the licensing program for graywater discharges, and whether the exemption for graywater discharges from small commercial passenger vessels should be amended.

Phase I (2004-2005)

A. Federal No Discharge Zones (NDZs). Continue implementation of PL 1999, Ch. 655 by beginning the process to apply for federal NDZs for blackwater in selected Maine coastal waters. The list of proposed NDZs and the process the Department intend to use in the application process is available in the Department's report, "Pumpout Plan Report and Proposed No Discharge Areas" endorsed by the Natural Resources Committee on January 15,

¹ The department is not proposing to begin licensing blackwater discharges. Although the law is not entirely clear, it is likely that Maine's authority in this area is preempted under federal law.

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2004.

The report is available on the internet at <http://www.state.me.us/dep/blwq/report/legisreport.htm> or in paper from the Department. The early part of this program includes significant public education and coordination efforts. Federal No Discharge Zones apply to all types of vessels, sizes of vessels, and treatment levels of blackwater discharges, based upon federal law.

- B. Report unauthorized discharges of blackwater.** Begin to report unauthorized blackwater discharges from large commercial passenger vessels. An unauthorized discharge of blackwater would be a discharge of either untreated blackwater within state waters, or the discharge of untreated or treated blackwater within a federally designated NDZ.
- C. Agreements.** Establish agreements between the department and commercial passenger vessels with 50 or more overnight passengers, through the department's Office of Innovation and Pollution Assistance. The Department also intends to work with all categories of commercial vessels to review their discharge practices. There is no fee associated with this program. General goals:
- (1) Obtain information concerning commercial passenger vessel discharges to Maine coastal waters. Information would be collected to help (a) describe commercial passenger vessel systems, capacities, and practices, and (b) evaluate the risk posed by discharges from small commercial passenger vehicles.
 - (2) Assist commercial passenger vessels in learning about and complying with existing state requirements.

These agreements would be developed beginning in 2004 and would begin with a general information submission by the companies on each of their vessels that would include information such as:

- Ownership
- Type of treatment systems
- How systems are used and managed
- Type of waste streams generated

Beginning this cruising season, commercial passenger vessels with 50 overnight passengers or more would submit information that identified the type, amount, and general location of discharges. Each vessel would submit representational data on its effluent discharge three times during Phase I, which describe the biological oxygen demand (BOD), total suspended solids (TSS), bacterial counts, and nutrients (phosphorous and nitrogen). This data would be collected during periods of standard occupancy and operation.

- D. Exemption.** Establish a temporary statutory exemption for the discharge of graywater from large commercial passenger vessels (250 or more overnight passengers) from Maine's Waste Discharge Law, which would sunset on January 1, 2006. Establish an exemption for the discharge of graywater from small commercial passenger vessels (fewer than 250 overnight passengers), which would be reexamined in 2006, based on the prior two years worth of information.

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- E. Air issues.** The department will report back to the Legislature concerning air issues, including any recommendations for statutory change.

Phase II (Beginning January 1, 2006)

- A. Large commercial passenger vessels: self-certification or authorization.** Provide each large commercial passenger vessel (250 and overnight passengers or more) with two options:
- (1) Annually self-certify to the department that it does not intend to discharge graywater within 3 miles of the coast of Maine, and continue with an agreement as described in Phase I (no fee); or
 - (2) Obtain authorization to discharge graywater under Maine's existing Waste Discharge Law. Unless information received during Phase I indicates a variety of circumstances or differences between vessels, the Department will issue a general permit.

It is expected that the great majority of large commercial passenger vessels will choose to self-certify.

- B. Report unauthorized discharges of graywater.** Begin to report unauthorized graywater discharges from large commercial passenger vessels to the department. An unauthorized discharge of graywater is one that would occur either as a result of a permit violation or in conflict with a vessel's self-certification.

- C. Evaluation concerning small commercial passenger vessels.** Submit a report to the Legislature evaluating whether small commercial passenger vessels (fewer than 250 overnight passengers), or some subclass of these vessels, should be required to seek authorization to discharge graywater, or whether the issue should be reconsidered at a later date.

This summary does not describe minor statutory changes that are needed to implement this proposal. For this detail, see draft amendments.